GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal petition filed by Sri Malleboina Srisailam S/o Lachaiah Occ: N.T.P.A to Engineer in Chief (Public Health), Hyderabad, against the proceedings Rc.No.C4/238/2009, dt:25.04.2011 of the District Collector, Prakasam - under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms.No.11

Dated:07.02.2018
Read the following:

1. Proceedings of the District Collector, Prakasam District, Ongole, Rc. No.C4/238/2009, dt:25.04.2011.
2. Appeal Petition filed by Sri Malleboina Srisailam S/o Lachaiah Occ: N.T.P.A to Engineer in Chief (Public Health), A.C.Guards H.No. 13-19-5/1, Vivekananda Nagar Colony, Dilsukhnagar, Hyderabad before M(TW), No.65/M (TW)/2011, dt.26.5.2011.
3. Govt. Memo No.7620/CV.2/2011, dated 30.05.2011.
4. From the District Collector, Prakasam District, Lr.No.Rc.C4/238/2009, dated 12.12.2014.
5. Govt. Memo No. 7620/CV.2/2011, dated 27.08.2015, 16.03.2016, 26.04.2016, 05.12.2016 & 12.01.2017 .
6. Written arguments filed by the appellant, through his Counsel, before the Appellate Authority on 24.01.2017.
7. Govt. Memo No. 7620/CV.2/2011, dated 29.05.2017 & 03.07.2017.

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ORDER:

In the reference 1st read above, the District Collector, Prakasam has issued orders canceling the ST – Yanadi Caste Certificate obtained from the then Mandal Revenue Officer, Ballikurava in the year 1988 by Sri Malleboina Srisailam S/o Lachaiah.

2. In the reference 2nd read above, Sri Malleboina Srisailam S/o Lachaiah, has filed an Appeal Petition before the Government, against the said Proceedings of the District Collector, Prakasam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, Prakasam and called for the parawise remarks and connected records from the District Collector, Prakasam in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Prakasam has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Malleboina Srisailam S/o Lachaiah.

4. The said Appeal Petition has been posted for hearing on 19.09.2015, 09.04.2016, 14.05.2016, 24.12.2016, 24.01.2017, 17.06.2017 and finally on 15.07.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 5th & 7th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 6th read above, the appellant has filed written arguments through his Counsel before the Appellate Authority in support of his ST-Yanadi community claim.

[P.T.O]

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Prakasam and proceedings of the District Collector, Prakasam, dated 25.04.2011, the Appellate Authority has observed that:

I. The appellant in his grounds has stated that the then M.R.O., Ballikurva, after following the due procedure of law and procedure prescribed, found the claim was genuine and satisfying himself based on the report of the then Revenue Inspector, on the strength of certificate issued by the then Sarpanch of Kukatlapally Gram Panchayat and endorsement of concerned clerk, had issued ST- Yanadi caste certificate vide R.Dis.367(2);1985, dated 25.07.1985 to him. Further, he has also stated that the DLSC has not given opportunity to him to examine his witnesses, filed evidence in support of his community claim.

II. The District Level Scrutiny Committee is observed that at that time on enquiry, before the Committee, in his written statement, he himself committed that he is not the resident of Kukatlapalli village of Ballikurava Mandal. He also committed that, all the family members viz., great grandfather, grandfather, father, sisters, Brothers, their Children, their spouses, uncles, aunties, their children, their spouses, all belongs to Golla – Yadava Community. He also committed that, he don't know how M.Subba Rao (friend of his father) brought that Yanadi-ST certificate to him without his knowledge. Though, the appellant is not the resident of Kukatlapalli village of Ballikurava Mandal, though he belongs to Yadava by caste, with a mollified intention, to grab the benefits of Scheduled Tribes, the appellant intentionally obtained ST caste certificate and got appointment in the O/o Engineer-in-Chief(P.H), Hyderabad. Hence, the Yanadi-ST caste certificate fraudulently obtained by the individual is liable for cancellation. The Tahsildar, Ballikurava has reported that the Inspector of Police, ACB requested to furnish a detailed enquiry report on Caste Certificate issued to Sri Malleboina Sri Sailam of Kukatlapalli village as belonging to ST- Yanadi, dated 25.07.1985 by the then Mandal Revenue Officer, Ballikurava. That the ACB Inspector also informed that during the course of their investigation, it is learnt that Sri Malleboina Sri Sailam belongs to B.C. Yadava Caste. The Caste Certificate issued in favour of Sri Malleboina Sri Sailam is found genuine as per the office records. It is also observed that "Malleboina" surname people never resided presently or in the past at Kukatlapalli village and even the village people –elders of Lalapureddy village, ST Colony, Kukatlapalli Village, do not know in their caste of "Malleboina" surname people." The Tahsildar, Ballikurava finally concluded that the individual obtained ST Caste certificate irregularly from the office in the year 1985 basing on the recommendation made by Late Puli Laxmaiah the then Surpanch of Kukatlapalli Village. But he has not produced any relevant documents in support of his ST-Yanadi Community claim. Based on the findings of the DLSC, and the Tahsildar, Ballikurava, the District Collector has cancelled the appellant's ST-Yanadi community certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of arguments the appellant advanced arguments on the lines of ground of appeal and stated that the caste certificate of him in force about more than (25) years and he is enjoying the same and there is no disturbance for a such long period as such he belongs to ST-Yanadi caste, further stated that the reports submitted by the concern are irrelevant since they have not given opportunity to disprove them. That as seen from the record it is observed that the opportunity was given to appellant to prove his caste and he availed the same and further he observed as per his admission before the

[Contd.. on P.3]

DLSC itself shows that he is not Yanadi ST in view of his detailed admissions caste of his ancestors, relatives and the place of residence. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that the contention of the appellant that he belongs to ST-Yanadi is far from the truth, in view of his admissions before the DLSC more particularly with regard to the residents particulars and the caste status of his ancestors who belongs to Golla – Yadava community, the appellant also belongs to Golla-Yadava (BC) community not ST-Yanadi. Further it is observed that as per the record the appellant failed to discharge his burden by producing evidence that he belongs to ST- Yanadi caste to support his claim even though the burden is on the shoulder of the claimant as per the law. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the Learned District Collector, Prakasam District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference .

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Malleboina Srisailam S/o Lachaiah, does not deserve any interference. Hence, Proceedings of the District Collector, Prakasam issued vide Rc. No.C4/238/2009, dt:25.04.2011, is hereby upheld and the Appeal Petition filed by Sri Malleboina Srisailam S/o Lachaiah, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Ballikurava deemed to be cancelled and the interim stay granted earlier stands vacated.

7. The District Collector, Prakasam is directed to take necessary consequential action in the matter

8. The records (containing Rc. No.C4/238/2009, dt:25.04.2011, pages: CF: 1-349, NF: 1-25) received from the District Collector, Prakasam through the reference 4th read above, are returned herewith in original to the District Collector Prakasam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Prakasam
(with original records) (BY RPAD)

Sri Malleboina Srisailam
S/o Lachaiah Occ: N.T.P.A to Engineer in Chief (Public Health),
A.C. Guards H.No. 13-19-5/1, Vivekananda Nagar Colony,
Dilsukhnagar, Hyderabad.

Sri Sai Reddy, Advocate
H.NO. 16-11-741/C/A/45/301, S.B.H. Colony,
Moosarambagh, Dilsukhnagar,
Hyderabad-500036.

The PS to Prl. Secretary (MA &UD) Dept.

The Engineer in Chief,
Public Health,
Telangana State, “KASHANA’
AC GUARDS,
Hyderabad-500 004.

[Contd..on P.4]

Copy to :
The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE & TWE).
The P.S. to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER